

REMARKS

Applicants have carefully considered the September 6, 2006 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-5 were pending in this application. In response to the Office Action dated September 6, 2006, claim 5 has been canceled and claims 1-4 have been amended. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

With respect to the Examiner's comment at page 2 of the Office action regarding inventorship, Applicants are fully aware of their obligations under 37 C.F.R. § 1.56.

The Examiner is respectfully requested to consider the Information Disclosure Statement previously submitted on December 19, 2006 and forward Applicants an appropriately initialed copy of the PTO 1449 form with the next Office communication.

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. § 102(e) as being anticipated over Goldenberg et al. (U.S. Pat. No. 6,636,197, hereinafter "Goldenberg"). Applicants respectfully traverse.

Claims 1 and 3 were rejected under 35 U.S.C. § 102(e) as being anticipated over Nishiyama et al. (U.S. Pat. No. 7,019,731, hereinafter "Nishiyama"). Applicants respectfully traverse.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994). Moreover, in imposing the rejection under 35 U.S.C. § 102, the Examiner is required to specifically identify wherein an applied reference is perceived to identically disclose each feature of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). There are significant differences between the claimed subject matter and the device disclosed by Goldenberg or Nishiyama that would preclude the factual determination that either reference identically describes the claimed subject matter within the meaning of 35 U.S.C. § 102.

Applicants respectfully submit that neither Goldenberg nor Nishiyama discloses or remotely suggest an interface configuration as described in amended claim 1. As described in the present specification, the present invention relates to a vehicular interface between a vehicle driver or passenger and vehicle equipment, and in particular, to a vehicular interface allowing a dialogue therebetween. It is an object of the present invention to provide a vehicular dialogue interface with a centralized commander having a reduced tendency to suffer from erroneous touch.

The present claimed subject matter provides for a decision switch, a first scan switch, and a second scan switch provided as separate/independent bodies. Neither applied reference discloses the interface configuration of amended claim 1. Moreover, in selecting letters using a vehicular dialogue interface of the present invention, at the first step, an inching scan of the letters in a second

direction is conducted by rotating the second scan switch, at the second step, and inching scan of the letters selected by the second scan switch in a first direction is conducted by operating the first scan switch. At the final step, a selected letter is fixed by operating the decision switch. See Fig. 5A and page 5, lines 9-20 of the supporting disclosure. With such operation, the possibility of erroneous operation can be reduced.

The above argued differences between the claimed interface and the applied prior art undermines the factual determination that Goldenberg or Nishiyama discloses the vehicular dialogue interface identically corresponding to that claimed. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 U.S.P.Q. 86 (Fed. Cir. 1986). Applicants, therefore, submit that the imposed rejections under 35 U.S.C. § 102 for lack of novelty as evidenced by Goldenberg or Nishiyama are not factually viable and, hence, solicit withdrawal thereof.

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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